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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,099	10/20/2003	Michael L. Lemke	019411-000810US	3734
20350	7590	12/15/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,099

Applicant(s)

LEMKE ET AL.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 and 33-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election of Group I, claims 1-10 and 23-32, in the reply filed on 9/13/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Currently, claims 1-10 and 23-32 will be considered, and claims 11-22 and 33-44 are withdrawn from consideration.

Claim Objections

1. Claims 1 and 10 are objected to because of the following informalities:
 - a) In claim 1, line 5, the claimed limitation "player positions" should be corrected to "said player positions".
 - b) In claim 1, line 7, the claimed limitation "player position" should be corrected to "the respective player position".
 - c) In claim 10, line 2, the claimed limitation "communicate" should be corrected to "communicated".

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-10 and 23-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of U.S. Patent No. 6,672,589 (hereinafter '589) in view of Rowe et al (US 2002/0039921).

Claims 1 and 23 disclose the same subject matter taught in claims 1 and 7 of the patent '589 in broader scope by eliminating the limitation of placing the display and the card reader adjacent to the dealer position. Moreover, Rowe discloses including a regulatory function (paragraphs 0030, 0188, 0043-0044). An ordinary person skilled in the art would be able to implement the regulatory function taught by Rowe to the method and system taught in claims 1 and 7 of the patent '589. Rowe, further, discloses the specific regulatory function disclosed in claims 2-10 and 24-32 (paragraphs 0015-0016, 0043-0044, 0154-0155, 0161, 0186, 0190, 0193).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strisower (US 5,809,482) in view of Meissner et al (US 5,779, 546) and Rowe et al (US 2002/0039921).

a. As per claim 1, Strisower discloses a method of tracking players at gaming tables. The method comprises receiving a card from a player, reading player information from the card (col. 4, lines 66-67; and col. 5, lines 1-5). Strisower does not explicitly disclose depicting the player positions on a display, inputting a respective player position on the display associated with the card and determining a regulatory function. However, depicting player positions on a display would have been well known to a person of ordinary skill in the art at the time the invention was made. Further, Meissner discloses crediting money to the player's card by touching the respective position of the player on the touch screen (col. 12, lines 18-28). Since Meissner teaches that touching the screen at the respective player's position would credit an amount of money to the respective player's card, Meissner obviously teaches associating the position of the player to the card of the player in order to deposit money to the correct card. Further, Rowe discloses determining a regulatory function (paragraphs 0030, 0188, and 0043-0044). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display player positions, to associate the card with the player positions as taught by Meissner, and to determine a regulatory function as taught by Rowe in the method of Strisower in order to prevent unqualified player to participate in the game.

b. As per claim 2, Rowe discloses a currency buy-in regulation (paragraphs 0043-0044).

- c. As per claim 3, Rowe discloses tracking and storing a currency buy-in amount (paragraphs 0015-0016).
- d. As per claim 4-5, Rowe discloses including a currency transaction threshold regulation (paragraphs 0186, 0154-0155). Further, allowing input of a threshold regulation would have been well known.
- e. As per claim 6, Rowe discloses a currency transaction threshold in a time period (paragraphs 0186, 0190, 0154-0155).
- f. As per claim 7-10, Rowe discloses preventing currency transaction when the currency transaction threshold is reached (paragraphs 0193 and 0161). Further, providing an alert signal when the currency transaction threshold is reached, and providing a reply information and acknowledgement from the alert would have been well known to a person of ordinary skill in the art at the time the invention was made.
- g. As per claim 23, Strisower discloses a system for tracking play on a gaming table. The system comprises a computer database 102 (Fig. 5), a card reader (col. 4, lines 66-67; and col. 5, lines 1-5), a display monitor 122 (Fig. 6) (col. 5, lines 10-17). Further, refer to discussion in claim 1 above for combining the teaching of Strisower in view of Meissner and Rowe.
- h. As per claim 24-32, refer to discussion in claims 2-10 above.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a horizontal line drawn underneath it.

Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: December 7, 2004